

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOSE SOTO,

ORDER

Plaintiff,

v.

14-cv-514-jdp

C.O. KELLEY, C.O. GRANT, C.O. DOVOVAN,
C.O. GEE, C.O. CROCKER, TRAVIS BITTELMAN,
DALIA SULIENE, DIANE LANE, JANEL NICKEL,
SGT. HEINECKE, SGT. ROYCE, SGT. SIRELL,
LORI ALSUM, CAPTAIN RADTKE, C.O. WILEY,
C.O. LAFERVE, and CAPTAIN MORGAN

Defendants.

Plaintiff Jose Soto filed a proposed complaint alleging constitutional violations by several defendant employees of the Waupun Correctional Institution, where plaintiff is incarcerated. Dkt. 1. I screened his complaint and concluded that it did not comply with Federal Rule of Civil Procedure 20 because plaintiff had included too many unrelated claims in one lawsuit. Dkt. 28. I directed plaintiff to choose which claim he wanted to pursue under this case number, and I advised him that he may pursue his other claims in separate lawsuits.

Instead of selecting a claim to pursue, plaintiff has moved for reconsideration of my ruling. Dkt. 28. But plaintiff does not explain how all of his claims arise out of the same transaction or occurrence. His motion fails to give any reason to reconsider my previous order, and so I will not. However, the motion suggests that plaintiff would be willing to proceed on his claims arising out of the events of July 18, 2011. Plaintiff has alleged that some of the defendants used excessive force against him on that day, and that others retaliated against him for protesting that excessive force. Plaintiff also alleges that the

retaliation led to psychological injury and the denial of mental health care. Accordingly, I will allow plaintiff to file an amended complaint including only those claims.

ORDER

IT IS ORDERED that plaintiff Jose Soto has until February 4, 2016, to file an amended complaint addressing only his claims arising out of the events of July 18, 2011, including the retaliation and its consequences that plaintiff alleges took place in September 2011. If plaintiff fails to file his complaint by this deadline, then I will dismiss his case for failure to prosecute.

Entered January 21, 2016.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge